

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
November 24, 2003 7:00 PM**

PRESENT: Brian C. Warburton, Chairman, Virginia Bridle,
William Sullivan, Cliff Pratt, James Workman
James Barrington, Town Manager
Karen Anderson, Administrative Assistant

PUBLIC HEARINGS:

1. The Board of Selectmen held a public hearing to take comments from the public in regard to the acceptance of a grant from Rockingham County in the amount of \$14,944 for Recreation Department camp scholarships.

There were no public comments.

Mr. Sullivan MOTIONED that the Board of Selectmen authorize the acceptance of a grant from Rockingham County in the amount of \$14,944 for Recreation Department camp scholarships.

Mr. Pratt SECONDED

VOTE: UNANIMOUS FOR

I. SALUTE TO THE FLAG

Jeff Frese led the audience in the salute to the flag.

II. ANNOUNCEMENTS

Community Center Committee

Mr. Pratt announced that the first meeting of the Community Center Committee is Tuesday, November 25th at the Lane Library.

Thanksgiving

Mr. Sullivan wished all the residents a Happy Thanksgiving.

WHS Football

Mr. Warburton congratulated the WHS football team for reaching the State Finals of Class L football.

Chamber Auction

Mr. Warburton commended all involved with the recent Chamber Auction to benefit the Christmas parade. Special thanks were given to Doc Noel, organizer John Kane and all who donated gifts and bid on the items.

Marston School Talent Show

Mr. Warburton noted that he was pleased to attend the Marston School talent show. He explained that this is an annual fund-raiser for the playground that was held last week. Mr. Warburton expressed special thanks to Laurie Sullivan, Tina Virgin, Pat Liddy, Gus Carlson, Principal Dave O'Connor for their efforts.

Christmas Activities

December 5th will be the tree lighting ceremony at 7:00 PM at the Gazebo and the annual Christmas Parade commences at 1:30 PM on December 6th.

III. APPOINTMENTS

1. Jeff Frese, Eagle Scout Presentation

Mr. Warburton noted that the Town of Hampton has been very fortunate to have several Eagle Scouts in Hampton and their projects have benefited the Town in many ways. Jeff Frese told the Board that he had learned that the Town was in need of several new greenhead traps and as part of his Eagle Scout project he

built and would like to donate to the Town eleven green head traps. Mr. Frese explained how the trap works and how it is ecologically efficient. The Board expressed their appreciation for Jeff's efforts. Mr. Sullivan noted that when it is common to hear of the negative activities of some youth, it was refreshing to see Jeff coming forward in this positive manner. Mr. Warburton announced that Jeff is hoping to be accepted to the U.S. Naval Academy and told him that the Board of Selectmen would be happy to assist in any way.

2. Tracey Degnan, RCCD and Julie Iffland, Trust for Public Land

Ms. Julie Iffland and Carol Hall from the Trust for Public Land, Conservation Commission Chairman Ellen Goethel and Tracey Degnan from the Rockingham County Conservation District were present. Ms. Iffland explained that the mission of the Trust for Public Land is to retain conservation and farm land in communities. The Hurd Farm in Hampton consists of 160 – 170 acres and has been owned by the same family since 1923 and is located along the Taylor River. She explained that the proposal being presented to the Board of Selectmen is to conserve the Hurd Farm by purchasing a conservation easement on 150 acres which would restrict the use of the land to farm related activities and allow public access along the Taylor River. The farm would remain in the Hurd family ownership and the easements would remain in perpetuity. Ms. Iffland noted that a significant portion of the farm is in a well protection area and the land contains important resources.

The Hurd family has agreed to sell an easement to the town for \$3,000,000; the Trust for Public Land and the Rockingham County Conservation District are working with the Conservation Commission to apply for grants to offset the cost. The advantages to this proposal include the fact that the property will remain on the tax rolls and the farm will continue to operate. The land within the drinking water supply area and the Taylor River watershed will be conserved. Ms. Iffland said that the cost to the average homeowner, based on a 5% interest rate on a 20-year bond would be \$32.80 per year, for the total \$3,000,000 cost.

Mr. Pratt asked about the conservation cost versus the costs associated with the land being developed, and how many houses could be built in that area. Ms. Iffland said that a large portion of the land is developable, and while specific engineering has not been done, a substantial number of houses could be built. Ms. Iffland added that "cows don't go to school". Mrs. Goethel said that the development rights were set at over \$6,000,000. Mr. Pratt said that farms were very prevalent in Hampton two hundred years ago and this is the last one. He added that this is a very worthy project and he would be proud if Hampton could lead the way on this.

Mr. Workman said that it is clear that it is cost effective, and while articles of this nature have not passed in previous years, this article has a specific acquisition target in mind. He added that a draft article has been prepared and he would like to see the number of acres involved added to the article. Mr. Sullivan said that he has attended several of the meetings with this group and believes that they have done a lot of good work on this. Mr. Sullivan said that if this land were to be developed the infrastructure and education costs that would be borne by the Town are extensive.

Mr. Warburton said that the presentation was excellent and suggested that it be shown at the Deliberative Session.

Mr. Pratt MOTIONED that the Chairman of the Board of Selectmen be authorized to sign the letter and acknowledgement form for the N. H. Land & Community Heritage Investment Program application for \$300,000 for the permanent protection of the Hurd Farm.

Mr. Sullivan SECONDED

VOTE: UNANIMOUS FOR

Mrs. Goethel told the Board that this property has the only public access to the Taylor River and this easement will preserve that for the public.

V. OLD BUSINESSTown Manager's ReportTaylor River Estates

Mr. Barrington reported that he had recently received a request from residents of Taylor River Estates for connection of their system to the Town sewer and indicated to them that he would present the request to the Board of Selectmen to determine if there was interest in sponsorship of a warrant article for that purpose. Mr. Barrington told the Board that he had told the representative that it was doubtful this year due to the Board's desire to keep the warrant as simple as possible this year.

Streetlight Request

Mr. Barrington told the Board that he has received a request for an additional street light on Homestead Circle at the split on the east side of the loop. The resident noted that it is particularly dark in this section for traffic and pedestrians at the divide in the circle.

Leaf Pick-Up

The Town Manager reported that Public Works got behind with the leaf pickup due to a combination of equipment maintenance and manpower shortages; however, they are back on schedule and will continue through the first Monday of December.

Workers' Compensation Rates

Mr. Tom Dunn, with the Property Liability Trust called to report that the workers' compensation rates and experience modifier remain unchanged for 2004.

Sewer Infrastructure Upgrades

The first contract with Faye, Spofford & Thorndike has been signed and forwarded it to DES for their approval. This will handle the I/I investigation to qualify the maximum allowable amount for SRF and SAG funding. It includes survey and design work to establish the base maps for the Ashworth Avenue area. Other contract negotiations are proceeding for the 201 Facilities Plan update and the design phases of the Kings Highway and Church Street sewer projects.

Police Facility

The police station continues to make good progress with the cooperation of the weather. Concrete work continues on the grade beams. Warmer temperatures have been a blessing for the curing of the concrete and test breaks have been well above the requirements for strength.

Exeter Road Bridge

Mr. Barrington met with JoAnn Fryer of CLD to discuss grade considerations for Exeter Road access to the properties on the north side of Exeter Road. He reported that he has also had a brief conversation with Mrs. Waldron concerning her property within the footprint of the proposed realignment. I understand that the historical review has raised issues concerning the Sanel building and that is currently being reviewed. Further work on DOT evaluation of the proposed property acquisition is awaiting the outcome of the historical review.

Perambulation

Mr. Barrington reviewed the perambulation of the North Hampton and Stratham boundaries that was completed on Saturday. There is one boundary that needs to be replaced and the cost will be shared by Hampton and North Hampton

Beach Infrastructure Vision Meetings

Mr. Barrington told the Board that several workshops have been scheduled for the public on the Hampton Beach infrastructure improvement projects to talk about the vision of the project, how it will coincide with the master plan for the beach and specific aspects of the project.

High Street Parking Lot

The Town Manager reported that the potholes have been patched in the High Street parking lot and some of the tree trimming will begin on December 9th. Mr. Hangen reported that during the three-day period beginning on December 9th, there will be no parking in the area of the tree trimming. Mr. Sullivan asked that they check for potholes again. Mr. Pratt asked if it had been determined that the trees are on the town property. Mr. Barrington said that without doing a survey, it appears that the property line is between the two paved areas, so the trees with limbs clearly hanging over the town lot can be trimmed by the town.

Streetlight Request

Mr. Pratt said that the request for an additional street light on Homestead Circle should be referred to the Highway Safety Committee. The Board agreed to make that referral.

Taylor River Estates

Mrs. Bridle asked if the residents of Taylor River Estates presented a warrant article for the ballot. Mr. Barrington said that he believes that the petition they presented a few weeks ago was a request for the Board of Selectmen to put the matter on the warrant. Their intent was to ask the Board of Selectmen to sponsor the article. Mr. Barrington said that he did explain to the representatives that the Board had wanted to keep the warrant relatively small this year, and this project would involve a significant investment. Mr. Barrington asked the Board for direction; if they want him to get cost information for the sewer extension or they want the residents to do the research on their own and privately petition the article.

Mr. Sullivan asked if Taylor River Estates falls within the 201 Facilities Plan. Mr. Barrington said that he understands that this particular development is private and there is a private septic system that serves the neighborhood, which is still functioning but has had some problems. The residents in that neighborhood are eager to get off that system and onto the town system. Mrs. Bridle said that while this is not fair to that area, this is not the year for a large expenditure, although the Board needs to determine when it will be the year for sewer on the west side of town. Mrs. Bridle noted that there are properties in that area that can not drink the water from their wells or use their septic systems at times. Mr. Workman said that he agrees that this is not the year to have the Board put forth the article, but feels that Mr. Barrington can assist the residents in the development of the privately petitioned warrant article. Mr. Barrington asked if the assistance extended into the providing of engineering assistance to determine the costs. The Board agreed that the town should not assist with engineering expenses. Mr. Barrington said that the sewer line that is being put into Drakeside Road does meet the 201 Facilities Plan and will bring sewer up to Walker Circle.

Mr. Sullivan said that he rarely gets phone calls from residents, but told the Board that he has received several calls regarding the increased valuations of properties, particularly at the beach. He said that for this reason he is saying no to funding requests this year, including this one. Mr. Warburton said that the town is over due on the review of the 201 Facilities Plan. Mr. Barrington said that the funding for the review of that Plan was part of Article 20 from 2003 and the update will be one of the contracts with Faye, Spofford and Thorndike.

Mr. Workman asked if Mr. Estey has prepared the video for channel 22 on the assessments. Mr. Barrington said that he understands that it will be taped this week. Mr. Warburton said that now is the time to get that information out to the residents. Mr. Barrington reminded the Board that DRA is willing to come and give a presentation to the Board on how the tax rates are set. The Board agreed that such a presentation could be given later in January.

Drakeside Road

Mrs. Bridle asked if there a deadline has been set for the completion of the pump station on Drakeside Road. Mr. Barrington said that he will follow up on that for the Board.

Non-public Session

Mr. Sullivan said that he would be requesting a non-public at the conclusion of the meeting for personnel matters regarding the Memorial Day, 1999 incident.

Mr. Sullivan MOTIONED that the Board of Selectmen meet in non-public session under RSA 91-A:3 (a) at the conclusion of the public meeting.

Mr. Pratt SECONDED

VOTE: UNANIMOUS FOR

Acceptance of Gazebo Deed

Mr. Barrington noted that the deed was prepared by Attorney Gearreald, but the Board has not received the signed deed from the Chamber at this point. Mr. Barrington said that based on RSA 41:14 -a, the Board must vote on whether or not to accept the deed at this time.

Mr. Workman MOTIONED that the Board of Selectmen accept the gazebo deed contingent on review by Attorney Gearreald.

Mr. Sullivan SECONDED

VOTE: UNANIMOUS FOR

Exeter Road Railroad Bridge

Mr. Warburton told the Board that he has had some discussions with Mr. Joe Higgins from the Old Salt and other local business owners regarding the at-grade crossing for Exeter Road that the Board had recommended. Mr. Warburton commended the Weber's for the improvements they have made to their property adjacent to that intersection. Mr. Warburton pointed out that JoAnne Fryher, from CLD Engoneers has moved along with the work associated with an at-grade crossing at the Board's direction and there have been some concerns raised. Mr. Pratt said that his original statement was that he was not in favor of an at-grade crossing if it effects the funding of the project. He stated that if a bridge is the best way to go and the funding is received, he is in favor of a bridge. Mrs. Bridle said that she is not in favor of doing any work if the funding is not in place and is not in favor of an at-grade crossing. Mr. Sullivan said that he was a proponent of an at-grade crossing but had not been aware that the only entrance to the Old Salt / Lamies Inn was on Exeter Road. Mr. Sullivan pointed out that the Lafayette Road entrance belongs to Omni Properties. Mr. Sullivan said he would like to see a new bridge put in that is lines the intersection up with High Street. Mr. Workman said that he also was in favor of an at-grade crossing, but understands that many people, including the Department of Transportation and Guilford Railroad are opposed to it. If an at-grade crossing would negatively impact the businesses, he would be in favor of a bridge that was less elaborate than what was presented originally.

Mr. Barrington told the Board that at the time he and his staff were initially discussing replacement of the bridge, he encouraged the concept that was presented by CLD. Mr. Barrington said that the main issue beyond the repair or replacement of the bridge is the straightening of the intersection and improving the site line as vehicles approach from the west. The proposal can be scaled back. Mrs. Bridle asked if this was being considered for the 2004 warrant. Mr. Barrington said that with an at-grade crossing or bridge replacement, there will be some money needed for land acquisition and he is waiting to see how much the State is willing to participate with. Mr. Warburton said that the Board is always willing to look at opportunities to save the town money, but at no time would he want to jeopardize any of the businesses.

Huckleberry Lane

Mr. Workman noted a letter in the packets regarding Huckleberry Lane and said that it was his understanding that the money for that project will be in the paving budget for 2004. Mr. Barrington said that was correct and it is his intent to have that portion of the road paved in 2004. Mr. Sullivan confirmed that there is funding for paving in the budget and if the budget is approved, that portion of Huckleberry Lane will be paved.

Veteran's Day Ceremonies

Mr. Warburton thanked and commended Selectman Sullivan, a Coast Guard Veteran, for speaking at the Veteran's Day ceremonies recently. Mr. Warburton noted that he stood with two Veterans and it was evident that they were proud to have served their country and to take part in such moving ceremonies.

V. NEW BUSINESSCertification of James Barrington to act for State Aid payments

Mr. Barrington told the Board that this is an annual process that is required by the State in conjunction with the application for wastewater grants.

Mr. Sullivan MOTIONED that the Board of Selectmen authorize James S. Barrington to act on behalf of the Town for State Aid payments.

Mr. Workman SECONDED

VOTE: UNANIMOUS FOR

Request to Transfer Parking Lot Leases

Mr. Warburton noted that the Bromfield Motel has been sold and the new owner, Mr. Gerard Barbato is requesting that the four leases in the Ashworth Avenue parking lot for The Bromfield be transferred to his name. Mrs. Bridle expressed some concerns with the uncertainty of the number of spaces in the Ashworth lot. The consensus of the Board was that the number of leased spaces would not change.

Mr. Sullivan MOTIONED that the four parking spaces leased to The Bromfield be transferred into the name of Gerard Barbato.

Mr. Workman SECONDED

**VOTE: 4 FOR
1 OPPOSED (Bridle)**

Highway Safety Committee Appointment

Mr. Pratt MOTIONED that the Board of Selectmen appoint Mr. Vic DeMarco to the Highway Safety Committee for a three year term.

Mrs. Bridle SECONDED

Mr. Workman asked if the vacancy on the committee had been noticed. Mr. Barrington said that he believes the committee received a resignation and shortly after that made this recommendation.

VOTE: UNANIMOUS FOR

Brookes Lane, LLC Drainage Easement

The Board reviewed the information presented by Attorney Craig Salomon requesting the acceptance of the Brooke's Lane subdivision storm water drainage easement through the RSA 41:14-a process. The public hearings can be held on December 8th and 22nd with the vote scheduled for January 5, 2004.

Mr. Workman MOTIONED that the Board of Selectmen hold the public hearings required for the RSA 41:14-a process for the acceptance of a storm water drainage easement in the Brooke's Lane subdivision beginning on December 8, 2003.

Mrs. Bridle SECONDED

VOTE: UNANIMOUS FOR

Reddington Landing Easement Release

The Board reviewed the information sent by Attorney Paul Rupp, requesting that the Board deed a sixty-four sq. foot portion of a utility easement to the owners at 38 Reddington Landing through the RSA 41:14-a process. The public hearings can be held on December 8th and 22nd with the vote scheduled for January 5, 2004.

Mr. Workman MOTIONED that the Board of Selectmen hold the public hearings required for the RSA 41:14-a process for the deeding of a sixty-four sq. foot portion of a utility easement to the owners of 38 Reddington Landing beginning on December 8, 2003.

Mrs. Bridle SECONDED

VOTE: UNANIMOUS FOR

Telecommunications Towers

Mr. Warburton told the Board that he had a conversation with the Zoning Board of Adjustment Chairman, Vic Lessard regarding the ZBA's approval of a cell tower on the St. James Lodge property. Mr. Warburton pointed out that most of the Selectmen have received calls from residents concerned about this approval and questioning if the Board of Selectmen would consider putting forth a warrant article for a cell tower at the Transfer Station or other town property. Mr. Warburton said that if the Board were to put forward another article, a particular company name or site would likely not be listed. Mr. Workman said that there is no question that the article put forth by the Board in 2002 for this purpose was supported by the voters and the advantages that were stated included the improved reception for telecommunications for the public as well as town departments and the revenue potential for the Town. Mr. Warburton said that he would like to see the Town Manager identify areas in town that may be possibilities for towers. Mr. Workman agreed that the Board should put forward an article in 2004 for general authorization to approve a cell tower on Town property. Mr. Workman stated that the needs remain to provide telecommunications service to the town and provide additional revenue. Mr. Workman said that his feelings for a town sponsored article for a tower can be considered in conjunction with the proposal on Tide Mill Road.

Mr. Barrington said that Attorney Gearreald has been working on language for an article that would give the Board of Selectmen generic permission to negotiate the location of a tower on public or private property that would be in the best interest of the town. Mr. Sullivan said that he has been thinking about the land on Route 1, by the Route 101 interchange as a possible site. Mr. Barrington said that Attorney Gearreald pointed out that in light of the recent Zoning Board of Adjustment ruling on Tide Mill Road, there is a 30 - day appeal period on decisions and the Board of Selectmen has standing to file an appeal if they desired. The consensus of the Board was not to overrule a decision of the Zoning Board of Adjustment. Mr. Warburton said that the Board should provide a selection of locations where they would like to have a cell tower. Mr. Sullivan said that the site he has suggested is in close proximity to Foss Manufacturing which has recently been approved for a tower site.

Public Works Revenues

The Board reviewed the revenue suggestions from Public Works. Mr. Pratt said that he would like to have a public hearing on the revenues proposed, in conjunction with the recommendations already considered on the parking lots and police revenue increases.

Mr. Pratt MOTIONED that the Board of Selectmen hold a public hearing on December 8th for proposed revenues.

Mrs. Bridle SECONDED

VOTE: UNANIMOUS FOR

Infrastructure Upgrades

Mr. Sullivan said that with the discussion of Ashworth Avenue being two-way and taking the traffic off of Ocean Boulevard, he wanted to make sure that the considerations are given to the evacuation plans on the RERP. Mr. Barrington said that has been discussed and access during emergencies are being considered.

Abandoned Vehicles

Mr. Sullivan asked if the junk vehicles can be removed from behind Station II. Mr. Barrington said that the police department is working on that. Mr. Barrington noted that it is a two-month process in declaring a vehicle abandoned and while efforts are underway to have the vehicles picked up there are fewer agencies willing to pick up vehicles that are not running.

Hampton Youth Association

Mr. Warburton said that the Board of Selectmen received copies of e-mails from Dyana Martin regarding a meeting that took place last week with the Hampton Youth Association Board of Directors. He explained that at the meeting, with 12 of 17 members present, a 7 – 5 vote was taken to ask the Town to take over the activities of the HYA. Mr. Warburton explained to the Board that he had conversations with several HYA Board members over the weekend, and there are concerns with this decision. Mr. Warburton pointed out that from 1981-1988 he was on the Board for the HYA, and just like then, there are several hard working

volunteers. The HYA has been in existence for over 50 years. Mr. Warburton pointed out that that they have heard from the Recreation Director that the Department is swamped and they have too much to do. He added that it was his understanding from people at the meeting, that the Recreation Director was in attendance at the meeting and it appeared that this was something that was going to happen. Mr. Warburton said that this should be a discussion with the Town Manager, looking at the workload in a department and determining if it is capable of taking on more work. Mr. Warburton said that the biggest issue the HYA has is getting enough volunteers for the programs and if parents want the programs to continue, they need to volunteer their time.

Mr. Warburton said that if the HYA were to come under the Recreation Department he understands that an employee has already been selected for the position and that the Special Revenue Fund would be used to fund the position. Mr. Warburton said that he does not want to hear conversations on the street that something is a done deal before it has come before the Board or Town Manager. Mr. Warburton added that the Town has had good relations with the HYA and he does not feel it should come under the Town at this time. He added that the Budget Committee has already reviewed the Recreation Department's budget and there are no new positions in 2004. Mr. Warburton said that a lot of the people that were at the meeting were concerned that the decision had already been made and the position had already been promised to someone.

Mr. Workman said that he was not aware of this subject prior to today, but agrees that the Recreation Department is very busy and he would hesitate adding anything to that department. He added that the HYA does a wonderful job with what they do and if the town can work concurrently with them on specific goals that would be good. Mr. Sullivan said that it was his opinion that the Board of Selectmen should walk away from this as fast as it can.

Mrs. Bridle said that the Budget Committee made it very clear during the review of the Recreation Department budget that there would be no added positions, regardless of where the funds were coming from and she is surprised to learn of this. Mrs. Bridle said that Mrs. Martin has everything that she can handle at this time and should not be taking on anything additional. Mr. Barrington said that Mrs. Martin made him aware of this discussion last week and he copied the e-mails she provided for the Board. He added that she regularly attends the HYA meetings and when she originally approached him with the idea of the town taking over the HYA programs, he instructed her not to pursue it and react only if a proposal was made by the HYA. Mr. Sullivan said that it is important to maintain a liaison with the HYA. Mrs. Bridle said, unrelated to the matter, that as this was a business e-mail, Mrs. Martin should be more careful to check for spelling and typographical errors.

VI. MINUTES

The minutes of November 10, 2003 were accepted as written.

VII. CONSENT AGENDA

1. Deed – 13 F Street
2. Parade Permits
3. Approval of RPC Dues
4. Mortgage Discharge – 115 Kings Highway

Mr. Workman MOTIONED that the Board of Selectmen approve the consent agenda.

Mr. Sullivan SECONDED

VOTE: UNANIMOUS FOR

VIII. PUBLIC COMMENT

Mr. Mike Corrigan, Tide Mill Road thanked the Board for their comments on the cell tower on Tide Mill Road. He noted that the Zoning Board of Adjustment originally denied the permit, the decision was then appealed and the decision was reversed. The neighbors on Tide Mill Road are now in the process of

appealing that decision because they do not feel the towers should be placed in residential neighborhoods. He would like to see alternative sites chosen, as they are not opposed to telecommunication towers.

VIII. ADJOURNMENT

Mr. Sullivan MOTIONED that the meeting be adjourned. (9:00 PM)

Mr. Workman SECONDED

VOTE: UNANIMOUS FOR

Chairman